



Indiana Department of Education

SUPPORTING STUDENT SUCCESS

TO: Indiana State Board of Education

FROM: Matt Tusing, Appointed Hearing Officer

RE: In Re the Matter of C.S. and the Mill Creek Community School Corporation
Right to Attend School, Cause No. 0812016

DATE: Monday, May 11, 2009

The Student is currently attending Mill Creek Community School Corporation (Mill Creek), but recently moved within the school corporation boundaries of Monroe-Gregg School District (Monroe-Gregg). Student is a 9th grade student for the 2008-2009 school year and seeks to continue schooling at Mill Creek. Student attended school at Mill Creek for the previous 10 years. Monroe-Gregg is an adjacent school district.

Student placed Mill Creek on notice of Student's change of legal settlement in December of 2008. That same month, Mill Creek placed Student on notice that Mill Creek's school board policy does not allow transfer tuition students and Student's request for continued enrollment was denied.

The Student's past and current legal settlement is not in dispute. Both parties agree that the Student did live within Mill Creek boundaries, but no longer resides within Mill Creek boundaries.

Indiana Code Section 20-26-11-30 permits a student to continue attending an original school corporation if the student had legal settlement in that district for at least two consecutive years before moving to an adjacent school corporation. Subsection B places a limitation on such election; the student may only attend the original school corporation if both the "principal and superintendent in both school corporations jointly agree to enroll the student in the school."

The hearing officer found that Student has no right to attend the Mill Creek because Mill Creek does not agree to enroll the Petitioner. Indiana Code Section 20-26-11-30 requires the principal and superintendent of both transferee and transferor districts to agree to enrollment in the original district. Mill Creek presented substantial evidence to the contrary; a letter informed the Petitioner in December 2008 of the district policy and included a copy of the policy. Because no evidence exists to dispute this evidence, and the evidence eliminates a necessary element of I.C. § 20-26-11-30, the claim of the Petitioner fails.

The hearing examiner's recommended order is that Student does not have the right to attend Mill Creek Community Schools. No objections to the hearing examiner's recommended decision have been filed.
